



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
*1102 SE Quince Street • PO Box 47990  
Olympia, Washington 98504-7990*

January 9, 2002

TO: Washington State Board of Health Members  
FROM: Carl Osaki, Member  
RE: Concerns Regarding Impacts of WAC 246-217 on Adult Family Homes

**Summary:**

The Board was recently updated on food safety in Adult Family Homes at its October 2001 meeting (see background below). The Board received a letter from Craig Fredrickson that describes the negative impacts of WAC 246-217 on Adult Family Home providers and residents (see attached letter dated December 6, 2001). The Board also received a request from Bill Day, lobbyist for Adult Family Homes, for he and Craig Fredrickson to present their perspectives to the Board. I have asked staff to add Mr. Day and Mr. Fredrickson to today's agenda so the full Board may hear their concerns about the inclusion of Adult Family Homes in WAC 246-217.

**Background:**

The Board most recently became engaged in the issue of food safety in adult family homes (AFH) in October 2000, when it received a petition from a representative of the adult family home community to repeal WAC 246-217-010. The petition argued that the Adult Family Home community was not properly included in the rulemaking process and that the Department of Health (DOH) did not follow the appropriate process.

The Board discussed this process issue at its November 8, 2000 meeting and decided to deny the petition on the finding that DOH did follow the appropriate protocol and that the rule was properly adopted. At its November 2000 meeting, the Board asked DOH to solicit broad-based input regarding the level of food safety training necessary to protect the health of residents in adult family homes and to report recommendations to the Board by May 2001. Legislation in March 2001 and the Governor's veto of sections of the legislation in May 2001 preempted these actions, however.

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During the 2001 legislative session, the Board worked with Representative Edmonds, DOH, DSHS, and the adult family home lobbyists to negotiate acceptable language to Section 9 of Substitute House Bill 1320 and Senate Bill 5521 relating to food handling practices in adult family homes. The revised language would have exempted adult family home providers, managers, and employees from obtaining food handler permits as currently required under WAC 246-217-010. This group proposed an amendment that would ensure that workers in adult family homes get adequate food handler training (pursuant to 69.09 RCW) through the already required Department of Social and Health Services (DSHS) education program. (WAC 246-217-010 attached for your reference.)

In May 2001, Governor Locke vetoed this revised language, and his veto message reinforced the need for employees of adult family homes to obtain food worker cards pursuant to the Board's rule. (See attached veto language.)

On July 26<sup>th</sup>, Mary Selecky and I met with Board Staff, DOH staff, and DSHS staff to discuss food safety in adult family homes and the significance of the Governor's veto. The group agreed that food workers in adult family homes continue to be subject to requirements outlined in WAC 246-217-010 with no exceptions. DSHS and DOH worked together on a letter that was sent on November 1, 2001 to all AFH operators in the state reminding them of their obligation to comply with the Board's rule related to food handler cards.

**Recommended Board Motions:**

*No action recommended.*

Attachment: Letter from Craig Fredrickson, December 6, 2001  
WAC 246-217-010  
Governor Locke veto of Substitute House Bill 1320